

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:23-cv-436-RJC  
(3:06-cr-364-RJC-1)**

<b>MARTINEZ ORLANDIS BLACK,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>vs.</b>	)	<b>ORDER</b>
	)	
<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Respondent.</b>	)	
<hr/>	)	

**THIS MATTER** is before the Court on Petitioner’s Request for a Certificate of Appealability [Doc. 4].<sup>1</sup>

Petitioner filed a § 2255 Motion to Vacate in the instant case that was dismissed as an unauthorized successive petition on July 24, 2023. [Doc. 2]. The Court declined to issue a certificate of appealability. [Id. at 4-5].

In the instant Request, filed on August 29, 2023,<sup>2</sup> the Petitioner asks the Court to issue a Certificate of Appealability pursuant to 28 U.S.C. § 2553(c)(1). He describes the issues he seeks to appeal as follows:

Violation of the Second Amendment of the U.S. Constitution; I’m requesting that the courts hold the ‘Certificate’ in abeyance until the Supreme Court of the U.S. rules on the case of: Zackey Rattimi, 143 S.Ct. 2688, 2023 WL 4278450 (June 20, 2023); if not & if so I present the courts with other relevant caselaw to back my claim ... [which] reveal that 922g is ‘unconstitutional.’

[Doc. 4 at 1].

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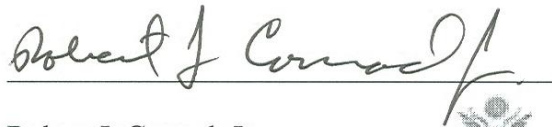
<sup>1</sup> The Court notes that the heading of the Request states “United States District Court for the Fourth Circuit.” [Doc. 4 at 1]. To the extent that the Petitioner is attempting to seek relief from the Fourth Circuit Court of Appeals, he must file such claim for relief in that Court.

<sup>2</sup> Houston v. Lack, 487 U.S. 266, 276 (1988) (establishing the prisoner mailbox rule).

Petitioner's request that this Court issue a certificate of appealability is moot because the Court already considered the matter and declined to issue a certificate of appealability in the Order dismissing the § 2255 petition. [Doc. 2 at 4-5]. To the extent that Petitioner seeks reconsideration of the Order dismissing his § 2255 petition, that request is denied because Petitioner has set forth no basis for such relief.

**IT IS, THEREFORE, ORDERED** that Petitioner's Request for a Certificate of Appealability [Doc. 4] is **DENIED**.

Signed: September 12, 2023

A handwritten signature in black ink, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.  
United States District Judge

